IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2757 OF 2004

Navinchandra Mohanlal Desai & Ors. ...Petitioners

Versus

The Land Acquisition Officer & Anr ...Respondents

.....

Mr. A.Y. Sakhare, Senior counsel for Petitioners

Mr. G.S.Kulkarni, counsel for Respondent No.1

Mr. R. Ashokan, counsel for Respondent No.2.

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CORAM: B. H. MARLAPALLE, J.

DATED: 29TH MARCH, 2005

P. C.:-

1. Heard Mr. Sakhare, the learned senior counsel with Mr. Aradhye, for the petitoners, Mr. Kulkarni with Mrs. Joshi, the learned counsel for respondent No.1 and Mr. Ashokan, the learned counsel for the respondent No.2.

2. The present respondent No.2 had submitted an application at Exh.8 in Land Acquisition Case No. 1 of 2003 before the Reference Court and the said application came to be allowed by the learned District and Sessions Judge, Daman on 17.10.2003. Review of the said order was sought by filing Misc. Civil Application No. 2 of 2003 and the same came to

be rejected by the learned District Judge on 1.3.2004. Hence, this petition.

3. There is no dispute that the land was acquired for the respondent No.2 and therefore, it was a necessary party in the Reference for enhancement of compensation of the acquired land under the Land Acquisition Act, 1894. No fault can be found with the orders impugned.

4. Hence, the petition is rejected summarily.